



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**August 24, 2005**

**SUBJECT:**           **2005-0667 - Angela and Chidi Ikemi** [Applicant] **Leo Martinez** [Owner]: Application for a 11,900 square-foot site. The property is located at **578 North Mathilda Avenue** (near W Maude Ave) in a C-2 (Highway Business/Planned Development) Zoning District. (APN: 204-29-043) GC

Motion               Special Development Permit to allow the modification of an original Use Permit 1973-0030 to allow an increase of 7 beds for a total of 34 beds.

**REPORT IN BRIEF**

**Existing Site Conditions**           Existing Care Facility

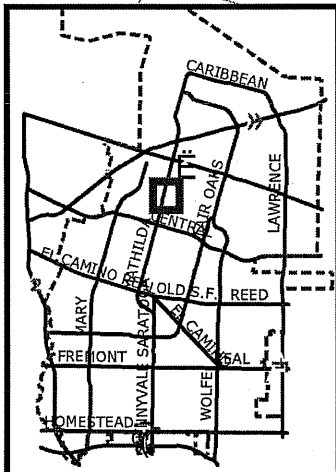
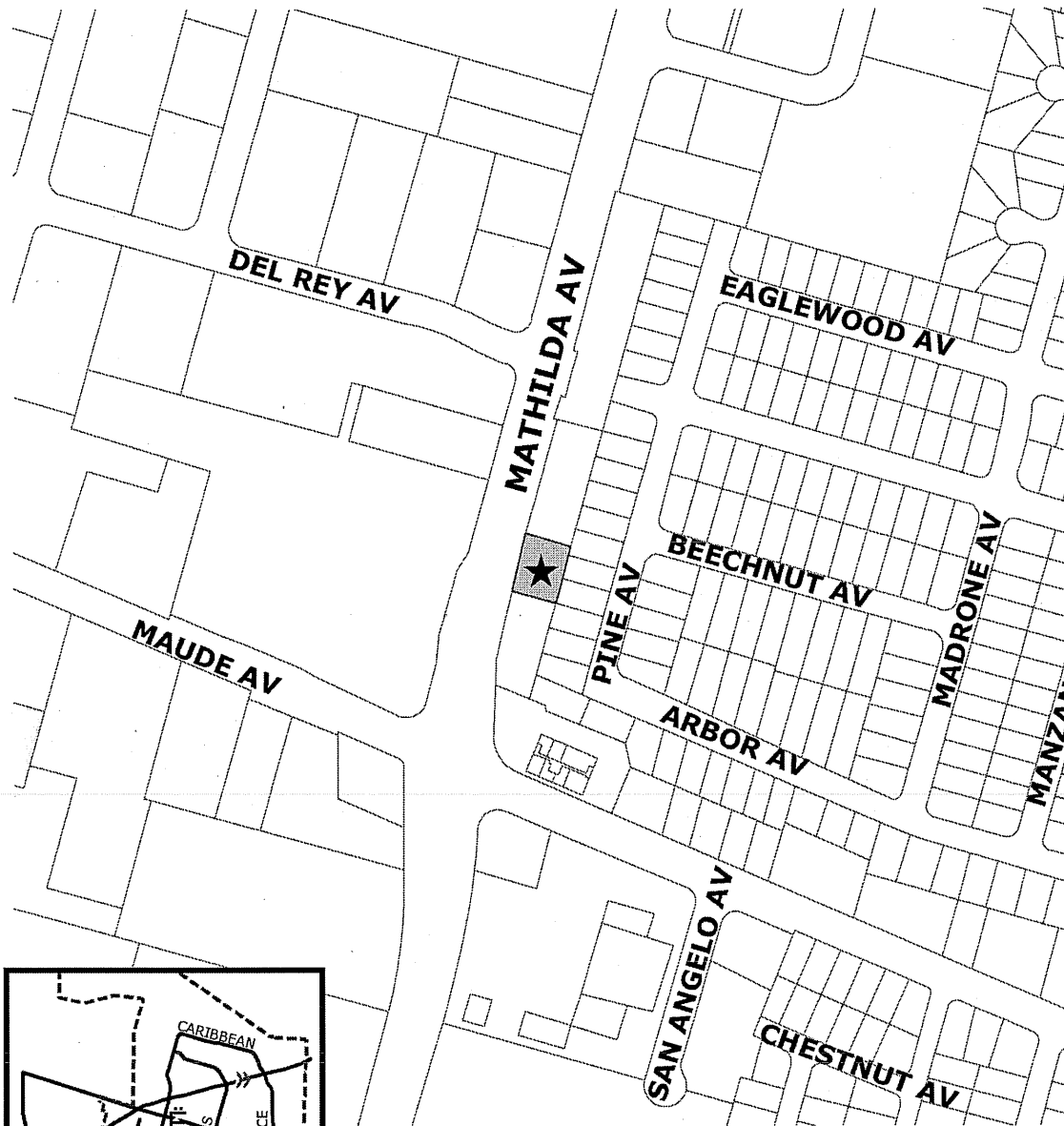
**Surrounding Land Uses**

North	Hotel
South	Multi-Family Residential
East	Single-Family Residential
West	Office and Restaurant

**Issues**                   Parking

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with conditions



**578 N Mathilda Ave  
Special Development Permit**

0 180 360 720 Feet



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industry	Industry	Industry
<b>Zoning District</b>	C-2/PD	C-2/PD	C-2/PD
<b>Lot Size (s.f.)</b>	11,900	11,900	No min.
<b>Gross Floor Area (s.f.)</b>	5,036	5,036	0 max.
<b>Lot Coverage (%)</b>	42	42	35 max.
<b>Floor Area Ratio (FAR)</b>	42%	42%	0 max.
<b>Building Height (ft.)</b>	Approx. 12	12	75 max.
<b>No. of Stories</b>	1	1	8 max.
<b>Setbacks</b>			
<b>Front</b>	20	20	70 min.
<b>Left Side</b>	6	6	0 min.
<b>Right Side</b>	18	18	0 min.
<b>Rear</b>	7.5	7.5	0 min.
<b>Landscaping (sq. ft.)</b>			
<b>Frontage Width (ft.)</b>	Approx. 8	Approx. 8	15 ft. min.
<b>% Based on Floor Area</b>	9	9	12.5 min.
<b>Buffer (ft.) Adj. Residential</b>	0	0	10 ft. min.
<b>Parking Lot Area Shading (%)</b>	0	0	50% min. in 15 years
<b>Parking</b>			
<b>Total Spaces</b>	9	9	15 min.
<b>Standard Spaces</b>	9	9	14 min.
<b>Compact Spaces/ % of Total</b>	0	0	1 max.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**ANALYSIS**

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**Description of Proposed Project**

The applicants currently operate an adult care facility with 27 beds. The proposal is to expand the number of beds to 34 by modifying internal walls. There is no expansion proposed for the buildings. No parking lot or landscaping modifications are proposed with this application.

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1971-0021	Use Permit for 22 bed Care Facility	Planning Commission/Approved	7/26/71
1971-0020	Variance for parking 10 space in lieu of 14	Planning Commission/Approved	7/26/71
1973-0038	Use Permit for 27 bed Care Facility	Planning Commission/Approved	4/30/73

**Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions includes minor alterations to existing structures.

**Special Development Permit**

**Site Layout:** There are no proposed changes to the site plan. The project consists of two existing buildings with frontage onto Mathilda Avenue.

**Architecture:** The project buildings are older one-story ranch style structures. No exterior architectural changes are proposed.

**Landscaping:** The site has very limited area devoted to landscaping. Essentially, only the frontage width is landscaped. There are some trees along the narrow north property line. No landscaping is proposed to be added or removed with this project. There is no opportunity to provide additional landscaping on site without further reducing parking.

**Parking:** The site has eight parking spaces. An earlier plan shows the ability to stripe nine spaces. The project is required to have 16 spaces at a rate of one

space per every 2.25 beds. The project site is short by six parking spaces. The care provided primarily for adults with severe mental conditions that are not allowed to possess or operate vehicles while in the care of the facility (Attachment D). Staff has visited the site three times during the day and at all times the parking area was almost completely empty. There are three staff members on duty according to the applicant.

**Compliance with Development Standards/Guidelines:** The project site is an older development that started as an apartment building and over time has been modified with City permits into an adult care facility. It was developed under different zoning standards for setbacks, landscaping and parking than required by the current code and has a previous Variance for parking.

Staff's only concern with this project is the availability of parking; however, based on the applicant's description of the care provided and the restrictions in the admission criteria provided, staff finds that the use can operate with restricted parking. A condition of approval has been included about the care restrictions. If in the future, the nature of the care facility changes and parking becomes an issue, the permit could be reevaluated.

**Expected Impact on the Surroundings:** Staff does not expect any impact to surrounding uses.

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**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

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**Public Contact**

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Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"><li>Published in the <i>Sun</i> newspaper</li><li>Posted on the site</li><li>Seven notices mailed to property owners and residents adjacent to the project site, and a notice was sent to the SNAIL Association.</li></ul>	<ul style="list-style-type: none"><li>Posted on the City of Sunnyvale's Website</li><li>Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>Posted on the City's official notice bulletin board</li><li>City of Sunnyvale's Website</li><li>Recorded for SunDial</li></ul>

## **Conclusion**

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**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Permit . Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

## **Alternatives**

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1. Approve the Special Development Permit with conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the application for the Special Development Permit.

## **Recommendation**

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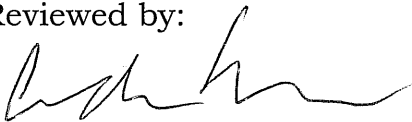
Alternative 1.

Prepared by:



Gerri Caruso  
Project Planner

Reviewed by:



Andrew Miner  
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant

### **Recommended Findings - Special Development Permit**

Goals and Policies that relate to this project are:

**Land Use and Transportation Element: Policy C2.1** – Provide land use categories for and maintenance of a variety of residential densities to offer existing and future residents of all income levels, age groups and special needs sufficient opportunities and choices for locating in the community.

The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project provides residential care for a special needs segment of the population.

1. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as there are no exterior changes to the property. The use is conducted entirely inside and has adequate parking for the use.

**Recommended Conditions of Approval - Special Development Permit /Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- D. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Any expansion or modification of the approved use shall be approved by separate application at a public hearing.

**2. PARKING**

- A. The use is approved with 9 parking spaces for 34 beds as shown on the approved plans. Re-stripe parking lot to include 9 spaces from previous plan 1973-0038.

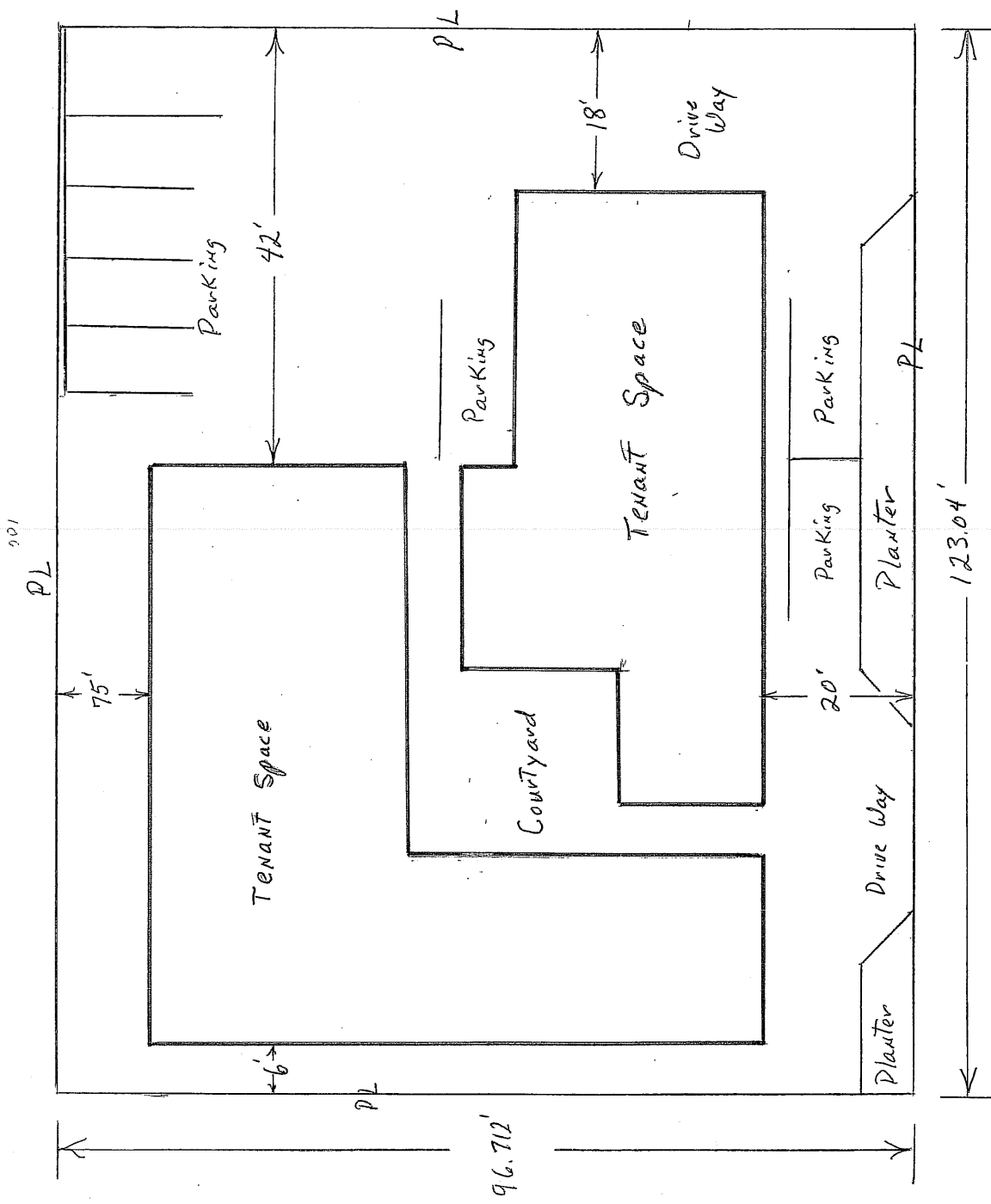
**3. RECYCLING AND SOLID WASTE**

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.

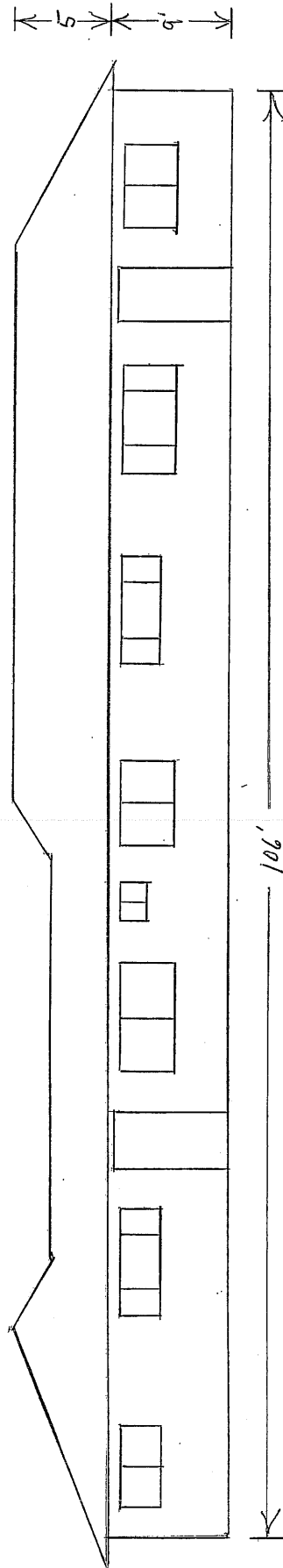


- B. The required solid waste and recycling enclosure shall match the design, materials and color of the main building.
- C. Work with Solid Waste coordinator on appropriate location for waste receptacles.

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PL = Property Line  
578 No. Mathilda Ave  
Site Plan  
7/2/05 1/4" = 3'

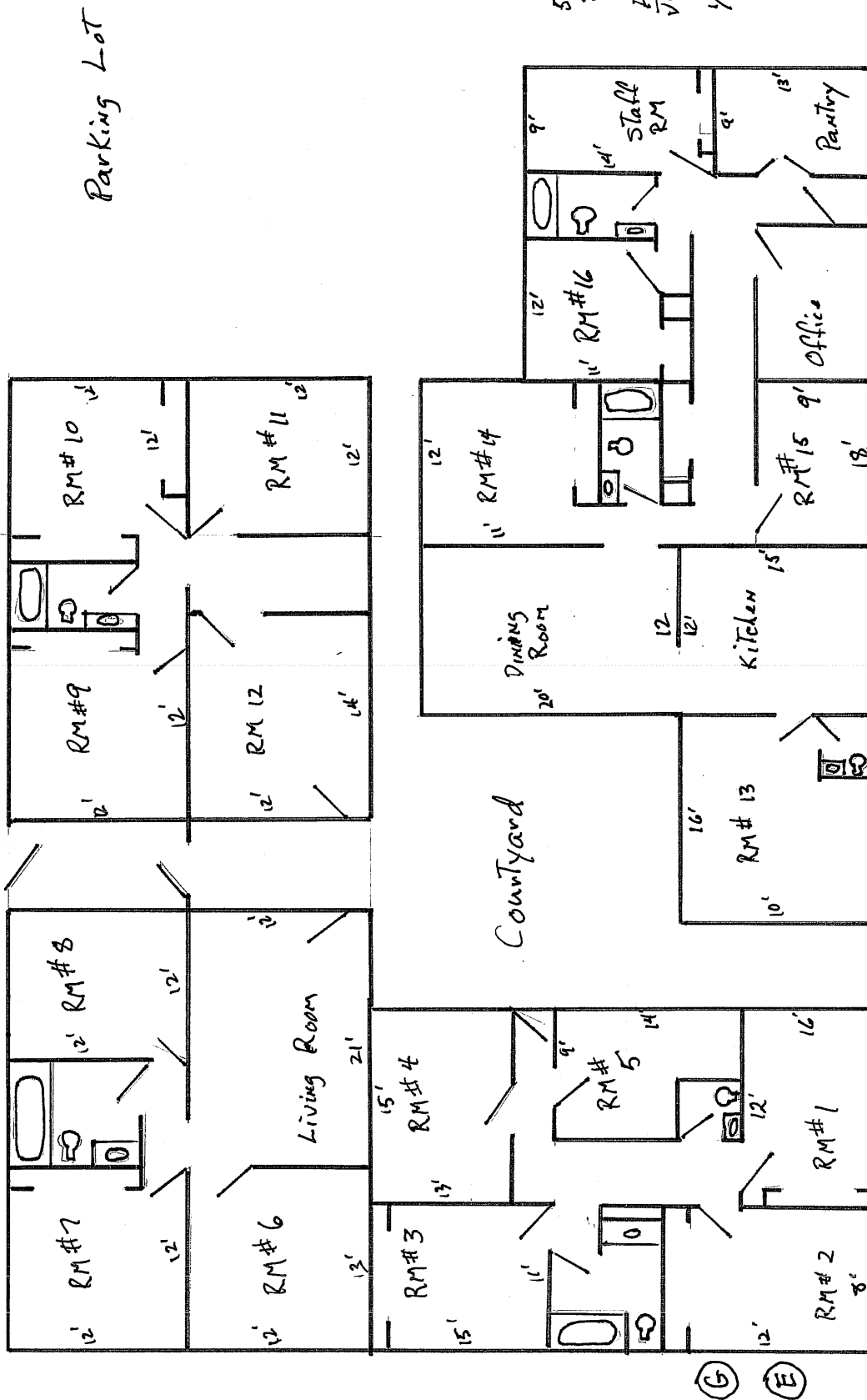


578 No. Mathilda ave.  
Sunnyvale Ca.

Front/West Elevation

June 3, 2005

1/4" = 2 ft.



578 No. Mathilda av.  
Sunnyvale, Ca.

Floor Plan  
July 3, 2005

1/4" = 2 ft. Page 1 of 1

ATTACHMENT

- (E) Electrical Panel
- (G) Gas shut off
- (W) Water shut off
- (S) Fire Sprinkler system shut off
- (R) Fire Sprinkler Riser

(S)

ANGELA'S RESIDENTIAL CARE HOME  
544 Mignot Lane  
San Jose, Ca 95111  
August 11, 2005

ATTACHMENT D  
Page 1 of 4

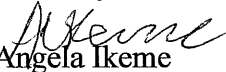
**To Whom It May Concern:**

This is to notify you of our plan to use 578 N. Mathilda Ave. Sunnyvale, CA 94088 as a Residential Care Home for people who have mental disability due to mental illness, drugs, or alcohol.

Due to the sedative nature of medicine these group of clients take, they are not going to possess or operate motor vehicles while they are residing at Angela's RCH because this will pose a danger to them and others.

We have this in our admission intake criteria history, House rules and Eviction criteria, see enclosed copies of those documents.

Sincerely,

  
Angela Ikeme

Administrator/Licensee

8/11/05

A 3 days notice will be given to clients, if his/her own welfare or that of other clients or staffs is threatened. Such determination is to be made by the program supervisor and facility administrator, after consultation with CCL.

**Non-Payment: -**

Client may be discharged from program for non-payment, except as prohibited by case-manager.

## **ANGELA'S RESIDENTIAL CARE HOME #3**

### **B – 9 ADMISSION POLICIES**

#### **PERSONS ACCEPTED FOR CARE:**

- Persons eighteen (18) to fifty-nine (59) years of age are eligible to apply and reside at Angela's Care Home.
- Prior to accepting a resident, the administrator will schedule an interview with the applicant and (if applicable) his/her responsible person.
- During the interview, the facility program will be described and a pre-admission appraisal of the applicant will be made.
- The administrator will explore the service needs, medical history, functional capabilities and emergency information of the applicant to complete the admission process.
- Mental health assessment of the client is also done. The client is informed about the community mental health awareness.

#### **ENTRANCE CRITERIA:-**

- Client's admission, treatment, and discharge decisions. Our program is designed for ambulatory clients and to meet the needs of severe deficits behavioral challenge habits of mentally disabled persons such as psychiatric, alcohol, and drug problems.
- Angela's RCH shall accept any client with no recent history of suicide or violent behavior in the past two years and will admit client with past history of suicidal thought without plan or acting on these thoughts.
- Admissions are on the basis of the client's needs not on the basis of race, color, religion or national origin.
- Because of the sedative nature of medications clients with mental illness take, Angela's RCH shall not accept any client that possess motor vehicle as this will pose a danger to the client and others.
- Angela's RCH shall accept any clients with restricted health conditions like: Diabetes if the client is mentally and physically capable of performing his/her own glucose testing and administering his/her own medication.
- The licensed professional shall review the performance of the procedures at least twice a month and provide written documentation outlining the procedures as well as providing staff training every six months and diabetes up date to the facility.

### **SIGN – IN AND OUT PROCEDURE**

Residents are asked to sign the facility roster, noting the time, when they leave the facility and sign in when they return, again noting the time. Visitors who accompany them are asked to do likewise.

### **HOUSE RULES**

- All New Residents are required to undertake a 15-30 minutes orientation, on the services, activities, house rules and regulations.
- Meal schedule is posted on the bulletin board and all residents are encouraged to dress up for meals.
- Keep the premises clean. Avoid littering or eating in your bedroom living or TV room.
- Preserve the fresh air by not smoking inside the house. Smoking is allowed only in the designated area.
- Alcoholic beverages and street drugs of any form or kind are not permitted in the facility
- Anybody who comes in intoxicated or with a smell of alcohol in their breath will not be allowed until further examined that they can be controlled and managed by the staff members.
- No deadly weapons (e.g. knives, guns or any pointed or sharp objects/metals), should be in possession of a client.
- Use of profane and abusive language is not allowed. It causes tension and misunderstanding that often leads to arguments and fight with each other.
- Visitors are advised not to roam around the premises without permission. Visiting hours are from 12pm - 6pm.
- Resident must be home by 10 pm and the licensee will notify the authority if resident is not home two (2) hours after curfew.
- Residents shall be encouraged to take shower at least once a day and personal hygiene and grooming every day.
- No client shall possess any motorized vehicle.

PLEASE REMEMBER THAT WHEN YOU DON'T FOLLOW THE ABOVE HOUSE RULES, YOU ARE DEPRIVING YOURSELF OF A BETTER CHANCE TO ADJUST AND ACHIEVE STABILITY IN THE COMMUNITY.

THANK YOU FOR YOUR COOPERATION.

RESIDENT'S SIGNATURE. \_\_\_\_\_ DATE. \_\_\_\_\_

STAFF'S SIGNATURE. \_\_\_\_\_  
DATE. \_\_\_\_\_

**B-9**

**ANGELA'S RESIDENTIAL CARE HOME #3**

The monthly rate for basic services is: \$ \_\_\_\_\_ or \_\_\_\_\_

**ATTACHMENT D**  
Page 4 of 4

### 3. **OPTIONAL SERVICES:**

Will provide the following optional services:

SERVICE	TIME/INTERVALS	RATE
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

Total monthly rate for optional services is \$ \_\_\_\_\_

Total monthly rate (Basic & optional services) is \$ \_\_\_\_\_

- a. Individual transportation provided by the facility to clients home when requested. The monthly rate for basic services for residents will be based on the rate allocated by the state and the placement Agencies.
- b. Change of rate by the person who is providing the service. Optional services are to be Paid for at time they are received. The total monthly rate for basic services will be determined by the State.

### 4. **EVICITION PROCEDURES:**

3. The Licensee/Administrator can evict the residents within thirty (30) days notice to the resident his conservator and Authorized Placement Representative. This time can be reduced if it is determined that the resident's health and welfare would be endangered if the resident remained in the facility. A thirty- (30) day eviction could be for any of the following reasons:
  - Nonpayment of fees equitable to the level of care should the resident require more care after being admitted to the facility.
  - Failure of the resident to comply with the state or local law after receiving written notification of violation.
  - A health condition arises that requires more medical attention than is allowed by regulations to be taken care of in this type of facility.
  - Inability of the facility to meet the needs of the resident.
  - Change of, use of the facility
  - Eviction is not limited to these reasons only, this is subject to change.
  - Possession of motor vehicle.
  - If resident is threatening his/her safety, or the safety of others. The licensee will seek and obtain the approval of the placement agency and the Community Care Licensing to evict within three (3) days and a copy of the eviction will be send to CCL within five day of the eviction.